

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 United States of America,) CR-11-1831-TUC-JGZ (HCE)
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Eva Marie Manzo; Alberto Manzo Zapien,)
14 Defendants.)

Pending before the Court is an Amended Report and Recommendation issued by United States Magistrate Judge Hector Estrada (Doc. 64), recommending this Court grant Defendant Eva Manzo's Motion to Suppress Statements (Doc. 35) and her Motion to Suppress. (Doc. 36.)¹ Defendant Alberto Zapien joined both of Defendant Eva Manzo's Motions. (Doc. 37.) Defendant Marcos Gonzalez has not joined the motions; neither he nor his counsel were present at the suppression hearing, and he is presently on absconder status.

The Court reviews *de novo* the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

¹The Report and Recommendation (Doc. 59) was amended to clarify that the recommendations pertain only to Defendants Eva Marie Manzo and Alberto Manzo Zapien.

1 A review of the record reflects that the parties have not filed any objections to the
2 Report and Recommendation and the time to file objections has expired. As such, the Court
3 will not consider any objections or new evidence. Government counsel instead filed a
4 Motion to Dismiss the Indictment as to Defendants Eva Marie Manzo and Alberto Manzo
5 Zapien, stating “[i]n light of the magistrate’s Report and Recommendation in this matter, the
6 government does not believe continued prosecution is warranted.” (Doc. 62.) The Court has
7 reviewed the record and concludes that Magistrate Judge Estrada’s recommendations are not
8 clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson*, 170 F.3d at 739;
9 *Conley*, 14 F. Supp. 2d at 1204.

10 Accordingly, IT IS HEREBY ORDERED as follows:

11 (1) Magistrate Judge Estrada’s Amended Report and Recommendation (Doc. 64) is
12 ACCEPTED and ADOPTED.

13 (2) Defendant Eva Manzo’s Motion to Suppress Statements (Doc. 35), joined by
14 Defendant Alberto Zapien (Doc. 37) is GRANTED.

15 (3) Defendant Eva Manzo’s Motion to Suppress (Doc. 36), joined by Defendant
16 Alberto Zapien (Doc. 37) is GRANTED.

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18 Dated this 4th day of May, 2012.

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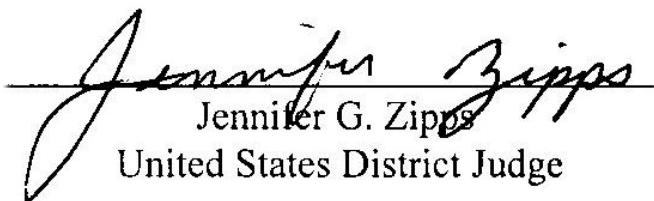
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Jennifer G. Zippes
United States District Judge